

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

C.M. , ET. AL.,

Plaintiffs,

vs.

**JAMES BEINE, aka MAR JAMES and
BOARD OF EDUCATION OF THE CITY
OF ST. LOUIS,**

Defendants.

Case No. 4:04CV1326SNL

ORDER

This matter is before the Court on defendant Board of Education's motion to dismiss Counts I, VI, VII, VIII, IX, XII, XIII, XIV, and XV of the plaintiff's first amended complaint (#21), filed November 17, 2004. As of today's date, plaintiffs have failed to file a response.

On October 27, 2004 this Court granted defendant Board of Education's motion for more definite statement (#10) and motion challenging service on behalf of (former) individual defendants (#6). *See*, Court Orders #13 and #14. Plaintiffs filed an amended complaint against defendants Beine and the Board of Education only. However, plaintiffs' amended complaint still contains flaws similar to the ones the Court found in the original complaint.

Having considered the matter, and upon reviewing the plaintiffs' first amended complaint, the Court will grant the instant motion for the grounds stated in the motion.

Accordingly,

IT IS HEREBY ORDERED that defendant Board of Education's motion to dismiss Counts I, VI, VII, VIII, IX, XII, XIII, XIV and XV of plaintiffs' first amended complaint (#21) be and is **GRANTED**. Counts I, VI, VII, VIII, IX, XII, XIII, XIV and XV are hereby

DISMISSED WITH PREJUDICE. Counts II, III, IV, V, X, and XI of the plaintiffs' first amended complaint remain viable until further order of this Court.

Dated this 21st day of December, 2004.

A handwritten signature in cursive script, reading "Stephen T. Limbaugh". The signature is written in dark ink and is positioned above a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE